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10 Attorney for Jeremy W. Faith, Chapter 7 Trustee

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UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA  
NORTHERN DIVISION

In re

CHARLES L. DUFF,

Debtor.

Case No.: 9:18-bk-11889-DS

Chapter: 7

**CHAPTER 7 TRUSTEE'S REQUEST FOR  
JUDICIAL NOTICE IN SUPPORT OF:  
MOTION FOR ENTRY OF AN ORDER  
AUTHORIZING: (1) AUTHORIZING THE  
SALE OF REAL PROPERTY LOCATED AT  
2690 GIBRALTAR ROAD, SANTA  
BARBARA, CA 93105, FREE AND CLEAR  
OF LIENS AND INTERESTS; (2)  
APPROVING OVERBID PROCEDURES; (3)  
APPROVING PURCHASER, SUCCESSFUL  
BIDDER, AND BACK-UP BIDDER AS  
GOOD FAITH PURCHASERS; (4)  
AUTHORIZING PAYMENT OF  
UNDISPUTED LIENS, REAL ESTATE  
BROKER'S COMMISSION, AND  
ORDINARY COSTS OF SALE; AND (5)  
WAIVING THE 14 DAY STAY**

Hearing:

Date: December 6, 2022

Time: 11:30 a.m.

Place: Courtroom 201  
1415 State Street  
Santa Barbara, CA 93101

1 **TO THE HONORABLE DEBORAH J. SALTZMAN, UNITED STATES BANKRUPTCY  
2 JUDGE; THE OFFICE OF THE UNITED STATES TRUSTEE; AND ALL OTHER  
3 INTERESTED PARTIES:**

4 **PLEASE TAKE NOTICE** that that pursuant to Federal Rule of Evidence 201,  
5 made applicable to these proceedings by Federal Rule of Bankruptcy Procedure 9017,  
6 Jeremy W. Faith (the “Trustee”), chapter 7 trustee for the bankruptcy estate (the  
7 “Estate”) of Charles L. Duff (“Debtor”) respectfully requests this court judicially notice  
8 certain facts, including records, acts, and proceedings of this Court.

9 The Trustee’s request includes, but is not limited to the following:

10 1. The Case Docket for In re Charles L. Duff, Bankruptcy Case No. 9:18-bk-  
11 11889-DS (the “Bankruptcy Case”).

12 2. On November 12, 2018, the Debtor filed a voluntary petition under chapter  
13 11 of title 11 of the United States Code (the “Bankruptcy Code”), commencing the  
14 Bankruptcy Case (the “Petition Date”).

15 3. *Voluntary Petition*, filed by Debtor on November 12, 2018, in In re Charles  
16 L. Duff, Bankruptcy Case No. 9:18-bk-11889-DS, Docket No. 1.

17 4. *Schedule A/B*, filed by Debtor on December 7, 2018, in In re Charles L.  
18 Duff, Bankruptcy Case No. 9:18-bk-11889-DS, Docket No. 34.

19 5. *Schedule D*, filed by Debtor on December 7, 2018, in In re Charles L. Duff,  
20 Bankruptcy Case No. 9:18-bk-11889-DS, Docket No. 34.

21 6. *Application to Employ Real Estate Broker and to Enter into Exclusive*  
22 *Listing Agreements*, filed by Debtor on April 2, 2019, in In re Charles L. Duff, Bankruptcy  
23 Case No. 9:18-bk-11889-DS, Docket No. 59.

24 7. *Order Approving Application to Employ Real Estate Broker and to Enter*  
25 *into Exclusive Listing Agreements*, entered on May 8, 2019, in In re Charles L. Duff,  
26 Bankruptcy Case No. 9:18-bk-11889-DS, Docket No. 89.

27 8. *Application to Employ New Real Estate Broker and to Enter Into Exclusive*  
28 *Listing Agreements*, filed by Debtor on November 11, 2019, in In re Charles L. Duff,

1 Bankruptcy Case No. 9:18-bk-11889-DS, Docket No. 162.

2       9.     *Order Approving Application to Employ New Real Estate Broker and to*  
3 *Enter into Exclusive Listing Agreements*, entered on December 19, 2019, in In re  
4 Charles L. Duff, Bankruptcy Case No. 9:18-bk-11889-DS, Docket No. 172.

5       10.    *Notice of Motion and Motion for Order Authorizing Sale of Real Properties*  
6 *Located at 2835 and 2690 Gibraltar Road, Santa Barbara, CA 93105, Inclusive of*  
7 *Personal Property Furnishings, Free and Clear of All Liens, Interests, Claims and*  
8 *Encumbrances Pursuant to 11 U.S.C. § 363(b) and (f), and Determining that Buyer is a*  
9 *Good Faith Purchaser Pursuant to 11 U.S.C. § 363(m)*, filed by Debtor on October 18,  
10 2021, in In re Charles L. Duff, Bankruptcy Case No. 9:18-bk-11889-DS, Docket No. 231.

11       11.    *Application to Employ New Real Estate Broker and to Enter into Exclusive*  
12 *Listing Agreements*, filed by Debtor on October 27, 2021, in In re Charles L. Duff,  
13 Bankruptcy Case No. 9:18-bk-11889-DS, Docket No. 237.

14       12.    *Order Approving Application to Employ New Real Estate Broker and to*  
15 *Enter into Exclusive Listing Agreements*, entered on November 18, 2021, in In re  
16 Charles L. Duff, Bankruptcy Case No. 9:18-bk-11889-DS, Docket No. 245.

17       13.    *Stipulation for Use of Cash Collateral and Modifying the Automatic Stay*  
18 filed on December 17, 2018, in In re Charles L. Duff, Bankruptcy Case No. 9:18-bk-  
19 11889-DS, Docket No. 37.

20       14.    *Order Approving Stipulation for Use of Cash Collateral and Modifying the*  
21 *Automatic Stay*, entered on December 19, 2018, in In re Charles L. Duff, Bankruptcy  
22 Case No. 9:18-bk-11889-DS, Docket No. 41.

23       15.    *Debtor's Chapter 11 Status Report*, filed by Debtor on March 8, 2022, in In  
24 re Charles L. Duff, Bankruptcy Case No. 9:18-bk-11889-DS, Docket No. 262.

25       16.    *Debtor's Chapter 11 Status Report*, filed by Debtor on April 26, 2022, in In  
26 re Charles L. Duff, Bankruptcy Case No. 9:18-bk-11889-DS, Docket No. 266.

27       17.    *Order Granting Motion to Dismiss or Convert Case Under 11 U.S.C. §*  
28 *1112(b)*, entered on July 20, 2022, in In re Charles L. Duff, Bankruptcy Case No. 9:18-

1 bk-11889-DS, Docket No. 281.

2       18.     *Notice of Appointment of Trustee and Fixing of Bond; Acceptance of*  
3     *Appointment as Interim Trustee*, filed by the U.S. Trustee on July 22, 2022, in In re  
4     Charles L. Duff, Bankruptcy Case No. 9:18-bk-11889-DS, Docket No. 282.

5       19.     *Notice of Motion and Motion for Relief from the Automatic Stay Under 11*  
6     *U.S.C. § 362*, filed by The Bank of New York Mellon f/k/a The Bank of New York, as  
7     Successor Trustee to JPMorgan Chase Bank, N.A., as Trustee on behalf of the  
8     Certificateholders of the CWHW Inc., CWHEQ Revolving Home Equity Loan Trust, Series  
9     2006-I, as serviced by Specialized Loan Servicing LLC on August 11, 2022, in In re  
10    Charles L. Duff, Bankruptcy Case No. 9:18-bk-11889-DS, Docket No. 293.

11      20.     *Application to Employ Real Estate Broker and to Enter into Exclusive*  
12    *Listing Agreement*, filed by Trustee on September 29, 2022, in In re Charles L. Duff,  
13    Bankruptcy Case No. 9:18-bk-11889-DS, Docket No. 313.

14      21.     *Order Approving Application to Employ Real Estate Broker and to Enter*  
15    *into Exclusive Listing Agreement*, entered on October 18, 2022, in In re Charles L. Duff,  
16    Bankruptcy Case No. 9:18-bk-11889-DS, Docket No. 320.

17      22.     Claim 6, filed by U.S. Small Business Administration on December 6, 2018,  
18    in the amount of \$729,117.79, in In re Charles L. Duff, Bankruptcy Case No. 9:18-bk-  
19    11889-DS.

20      23.     Claim 8 filed by Shellpoint Mortgage, servicer for The Bank of New York  
21    Mellon fka The Bank of New York as Trustee for the Certificateholders of CWALT, Inc.,  
22    Alternative Loan Trust 2006-Hy3, Mortgage Passthrough Certificates, Series 2006-HY3  
23    c/o Shellpoint Mortgage Company, in the amount of \$1,557,821.16 (as of February 27,  
24    2019) in In re Charles L. Duff, Bankruptcy Case No. 9:18-bk-11889-DS.

25      24.     Preliminary Title Report obtained from Frist American Title Company as of  
26    September 19, 2022 for the 2690 Property ("Title Report"). See Exhibit 2 to Motion.

27      25.     Title to the 2690 Property is currently vested as *Charles Duff and Cathryn*  
28    *Alice Duff, husband and wife as Community Property, subject to proceedings pending in*

1 *the Bankruptcy Court of the Central District of the U. S. District Court, California entitled*  
2 *in re: Charles L. Duff, debtor, Case No. 9:18-BK-11889-DS, wherein a petition for relief*  
3 *was filed on November 12, 2018. See Title Report, Exhibit 2 to Motion.*

4 26. Santa Barbara County Tax Collector and Treasurer website for General  
5 and special taxes and assessments for the fiscal year 2022-2023, for taxes owed through  
6 the date of the close of the sale.

7 27. *Deed of Trust* recorded as Instrument No. 2006-0006896 in the Santa  
8 Barbara County Recorder's Office on January 20, 2006, to secure the repayment of a  
9 \$1,500,000 loan.

10 28. *Assignment of Deed of Trust* recorded as Instrument No. 2012-0021236 in  
11 the Santa Barbara County Recorder's Office on April 2, 2012.

12 29. *Substitution of Trustee* recorded as Instrument No. 2017-0023456 in the  
13 Santa Barbara County Recorder's Office on May 17, 2017.

14 30. *Deed of Trust* recorded as Instrument No. 2006-0006897 in the Santa  
15 Barbara County Recorder's Office on January 27, 2006, to secure the repayment of a  
16 \$225,000 equity line of credit with Washington Mutual Bank, FA, a Federal Association.

17 31. *Deed of Trust and Assignment of Rents* recorded as Instrument No. 2006-  
18 000871147 in the Santa Barbara County Recorder's Office on November 7, 2006, to  
19 secure the repayment of a \$150,000 loan.

20 32. *Assignment of Deed of Trust* recorded as Instrument No. 2012-0037246 in  
21 the Santa Barbara County Recorder's Office on June 8, 2012.

22 33. *Substitution of Trustee* recorded as Instrument No. 2021-0083108 in the  
23 Santa Barbara County Recorder's Office on December 6, 2021.

24 34. *Deed of Trust* recorded as Instrument No. 2010-0039625 in the Santa  
25 Barbara County Recorder's Office on July 27, 2010, to secure the repayment of a  
26 \$374,900 loan to the U.S. Small Business Administration.

27 35. *Modification of Deed of Trust* recorded as Instrument No. 2010-0056044 on  
28 October 7, 2010.

1 36. *Modification of Deed of Trust* recorded as Instrument No. 2011-0027790 on  
2 May 10, 2011.

3 DATED: November 14, 2022

4 MARGULIES FAITH, LLP

5 By: /s/ Meghann A. Triplett  
6 Meghann A. Triplett  
7 Attorneys for Jeremy W. Faith,  
8 Chapter 7 Trustee

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## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 16030 Ventura Blvd., Suite 470, Encino, CA 91436

A true and correct copy of the foregoing document entitled **CHAPTER 7 TRUSTEE'S REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF: MOTION FOR ENTRY OF AN ORDER AUTHORIZING: (1) AUTHORIZING THE SALE OF REAL PROPERTY LOCATED AT 2690 GIBRALTAR ROAD, SANTA BARBARA, CA 93105, FREE AND CLEAR OF LIENS AND INTERESTS; (2) APPROVING OVERBID PROCEDURES; (3) APPROVING PURCHASER, SUCCESSFUL BIDDER, AND BACK-UP BIDDER AS GOOD FAITH PURCHASERS; (4) AUTHORIZING PAYMENT OF UNDISPUTED LIENS, REAL ESTATE BROKER'S COMMISSION, AND ORDINARY COSTS OF SALE; AND (5) WAIVING THE 14 DAY STAY** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **November 15, 2022**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On **November 15, 2022**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

**JUDGE:** Hon. Deborah J. Saltzman, U.S. Bankruptcy Court, 255 E. Temple St., Ste. 1634, Los Angeles, CA 90012

**DEBTOR:** Charles L. Duff, P.O. Box 20003, Santa Barbara, CA 93120

Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served):** Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **November 15, 2022**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

November 15, 2022  
Date

Helen Cardoza  
Printed Name

/s/ Helen Cardoza  
Signature

**ADDITIONAL SERVICE INFORMATION:**

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):**

**ATTORNEY FOR TRUSTEE:** **Samuel Mushegh Boyamian** samuel@marguliesfaithlaw.com, angela@marguliesfaithlaw.com, helen@marguliesfaithlaw.com, vicky@marguliesfaithlaw.com

**ATTORNEY FOR INTERESTED PARTY:** **Paul R Burns** paulburnslaw@gmail.com, paulburnslaw@hotmail.com

**ATTORNEY FOR CREDITOR:** **Greg P Campbell** ch11ecf@alridgeppte.com, gc@ecf.inforuptcy.com; gcampbell@alridgeppte.com

**TRUSTEE:** **Jeremy W. Faith (TR)** Trustee@MarguliesFaithlaw.com, C118@ecfcbis.com;Helen@MarguliesFaithLaw.com;leedowding@gmail.com

**ATTORNEY FOR U.S. TRUSTEE:** **Brian David Fittipaldi** brian.fittipaldi@usdoj.gov

**ATTORNEY FOR CREDITOR:** **Nichole Glowin** bankruptcy@zbslaw.com, nglowin@ecf.courtdrive.com

**ATTORNEY FOR INTERESTED PARTY:** **Merdaud Jafarnia** bknotice@mccarthyholthus.com, mjafarnia@ecf.inforuptcy.com

**ATTORNEY FOR INTERESTED PARTY:** **Elliot G Johnson** ejohnson@klinedinstlaw.com, adavis@klinedinstlaw.com

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**ATTORNEY FOR TRUSTEE:** **Anna Landa** Anna@MarguliesFaithlaw.com, Helen@MarguliesFaithLaw.com; Vicky@MarguliesFaithLaw.com;Angela@MarguliesFaithLaw.com

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**ATTORNEY FOR CREDITOR:** **Austin P Nagel** antwanette.hardin@bonialpc.com, Notices.Bonial@ecf.courtdrive.com

**ATTORNEY FOR INTERESTED PARTY:** **Ian A Rambarran** irambarran@klinedinstlaw.com, gosborne@klinedinstlaw.com;lsamson@klinedinstlaw.com

**ATTORNEY FOR CREDITOR:** **Arvind Nath Rawal** arawal@aisinfo.com

**FORMER ATTORNEY FOR DEBTOR:** **Jeremy H Rothstein** jrothstein@gblawllp.com, nknadjian@gblawllp.com;msingleman@gblawllp.com

**ATTORNEY FOR TRUSTEE:** **Meghann A Triplett** Meghann@MarguliesFaithlaw.com,

Helen@MarguliesFaithlaw.com;Angela@MarguliesFaithlaw.com;Vicky@MarguliesFaithlaw.com

**United States Trustee (ND)** ustpregion16.nd.ecf@usdoj.gov

**ATTORNEY FOR CREDITOR:** **Jennifer C Wong** bknotice@mccarthyholthus.com, jwong@ecf.courtdrive.com